

RC 452

874

Les Henry Fox.

Bainbridge
"Quis custodiet ipsos custodes."

No. 4.

MY OUTLAWRY:

A LECTURE,

DELIVERED IN THE CAVENDISH ROOMS, MORTIMER STREET, ON THE
17TH OF JULY, 1873.

BY LOUISA LOWE.

WITH

PREFATORY NOTICE BY THE SAME.

PRICE THREEPENCE.

LUNACY LAW REFORM ASSOCIATION OFFICES,
64 BERNERS STREET, LONDON.
1874.



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The Bequest of CLEMENTS COLLARD FRY

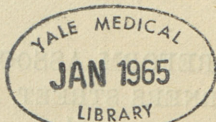
It is in revealing fresh cases of wrongful detention in asylums for lunatics, and also, alas ! fresh cases of murderous outrage, committed by unrestrained madmen, has only deepened my conviction of the utter inefficiency of our present lunacy system, and of the utter sloth and perfunctoriness, if not dishonesty, of its official administrators. Since my own application for a rule *nisi*, for a criminal information against the Commissioners in Lunacy, for sanctioning my restraint as a lunatic during eighteen months of perfect sanity, was refused in Queen's Bench, on the 22nd of November, 1872, I have myself read some of the Lunacy Acts. By that of 1853, it is incontestable that my detention was a misdemeanour on the part of the Superintendents ; and, only on the assumption that the Commissioners are really autocratic, and may incarcerate without other form than *sic volo sic jubeo*, can it be anything else on their part also.

It is certainly regrettable that my legal advisers overlooked the fact, that the order and certificates under which I was incarcerated and detained, do not fulfil the statutory requirements, and are therefore null and void, but it must nevertheless never be forgotten, that at the time that Lord Chief-Justice Cockburn refused me my rule, stating that there was "no pretence for it," he had in his hands these documents as exhibits. It is difficult, therefore, to understand how his Lordship could make, as he did make, the propriety of my detention a question of more or less discretion on the part of the Lunacy Commissioners, when it so plainly showed on the part of these gentlemen, either a malevolent resolve to set the statutes of the realm at defiance to my injury, or a crass ignorance of their provisions. But for the profoundly immoral distinction between knowledge officially and unofficially acquired, my case against the Court of Queen's Bench would be yet stronger, since, through the accident of neighbourhood and a very slight personal acquaintance, one of the judges then on the bench was able to refute from his own knowledge, the allegations against my previous sanity. Truly may England's faithful children cry out, "How long, oh my people, how long will ye suffer it ?"

LOUISA LOWE,

UPOTTERY VICARAGE, NEAR HONITON.

Berners Street, London; April 4th, 1874.



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PREFATORY NOTICE.

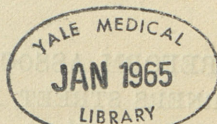
It is now eight months since the following address was delivered. Time, in revealing fresh cases of wrongful detention in asylums for lunatics, and also, alas ! fresh cases of murderous outrage, committed by unrestrained madmen, has only deepened my conviction of the utter inefficiency of our present lunacy system, and of the utter sloth and perfunctoriness, if not dishonesty, of its official administrators. Since my own application for a rule *nisi*, for a criminal information against the Commissioners in Lunacy, for sanctioning my restraint as a lunatic during eighteen months of perfect sanity, was refused in Queen's Bench, on the 22nd of November, 1872, I have myself read some of the Lunacy Acts. By that of 1853, it is incontestable that my detention was a misdemeanour on the part of the Superintendents; and, only on the assumption that the Commissioners are really autocratic, and may incarcerate without other form than *sic volo sic jubeo*, can it be anything else on their part also.

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A LECTURE.

LADIES AND GENTLEMEN,—The paramount importance of the subject we are met to consider, "The danger to society and personal liberty of the present lunacy laws," emboldens me to crave your indulgence to my great inexperience in public speaking. For a woman first, at my age, to emerge from the deep seclusion of country life and appear on a public platform, would argue an amount of rashness inconsistent with sound judgment, had not exceptional circumstances rendered her doing so a duty. Some of you are aware that such exceptional circumstances exist in my case—how for fifteen dreary months I endured that most horrible of moral tortures, incarceration among maniacs, without better cause than the greed of madness-mongers and the unconscientiousness of their supervisors. Permit me, then, to commence realising the hope that sustained me in many an hour of anguish; the hope that my tale of cruellest wrong and sad observation might help to show my country the true nature of its lunacy laws—laws as potent for oppression and wrong, as they are powerless to protect society from, and insure the welfare of, real lunatics. First as regards the certificate; for all but paupers this is to be signed by *two* doctors, and in the forms to that end provided these men are made to state that they have seen the patient "separately, and apart from any other medical man;" but it is notorious that the spirit of this provision is always evaded, and I myself know a case where a physician, after declaring a very mischievous person unquestionably insane and very dangerous, refused to certify him so unless a colleague he named would do so first. Therefore, the only practical result of this provision is to lighten the sense of responsibility in the certifiers, and safeguard the patient with half a medical conscience instead of a whole one. Again, the certifier must distinguish between facts observed by himself and those told by others, and no certificate is to be valid that purports to be based exclusively on hearsay. Now, despite its plausibility at first sight, a little reflection reveals the absurdity and danger of this provision. Alone, it suffices to account for the hideous tales of insane crime and cruelty, which constantly startle the public, as also for the weary lawsuits so injurious to mad testators' families. Why are the perpetrators of deeds, shown on subsequent inquiry, to be the climax of long-brooding insanity, allowed to go at large till they have committed them? Can any one doubt, for instance, that a father who drops boiling tallow on his little children's naked bodies, and then capers in ecstatic joy at their shrieks of agony, is mad? Yet Etchell, who is reported in the papers to have made this his practice, was left to end his insane life by suicide, after murdering wife and child. Such men are just those least likely to let a doctor see any facts on which to pronounce them insane. This requirement of personal medical observation should therefore, in my opinion, be entirely abrogated. And do not fancy you need thereby diminish the security of personal liberty. I think the preliminary proceedings in alleged lunacy should be conformed to those in alleged infractions of the law as much as possible. To secure the necessary despatch a statement in writing should be accepted as adequately proved; but then every falsehood in such statement should rank as perjury to defeat the ends of justice, be invariably prosecuted by the Crown as such, and visited with the heaviest penalty attached to that crime. Before, however

entering deeply into remedial measures, it is well to dwell a little more on the evils of the present system. And here I must premise that I am only conversant with proprietary mad-houses, and that in describing the various evils I found rampant there, I will advance nothing I am not able to prove, either by my own observation or from notes made at the time from the lips of apparent truthful and of course avowedly sane persons. I must also ask you to bear in mind that, of the four proprietary mad-houses which I inhabited for longer or shorter periods, all were *reputed* first-class. In *all*, except the last, which was as pure and good as a proprietary mad-house can be, did the grossest evils prevail, besides that horrible malpractice of incarcerating the sane—a practice you will presently see is largely connived at by your Lunacy Commissioners. In the metropolitan districts these gentlemen must pay at least six visits of inspection annually to each mad-house. The dates of such visits are left entirely to their own discretion, consequently four or five months often elapse without any inspection at all; the legal number being on these occasions made up by a very rapid succession of visits at the close of the year. I need not now detain you with any detailed account of my seven interviews with these Commissioners during my long incarceration. Fearlessly do I assert that the same marked features characterised all, and on their part consisted in impatience, impertinence, ill-temper, and a firm, evident determination not to give me fair play. Why was this? The Lord Chief Justice suggested in Queen's Bench on the 22nd of November last that the Commissioners *could* have no possible motive for detaining me in confinement knowing me to be sane; but why are these Lunacy Commissioners to be acquitted without evidence, and even in the *teeth* of strong presumptive evidence of a vice that has always disgraced secret tribunals? We boast, and no doubt justly, that our tribunals of law are pure. But was it always so? If the venality of former times is unknown now, is it on account of some occult change in human nature, or because adequately paid judges, inaccessible to the private solicitations of suitors, administer the laws under the eye of the people and the criticism of the Press? What sort of confidence would be felt in our judicial system if one feature of it consisted in invariably admitting the defendant to preliminary secret access to the judge? This system, extended to the plaintiff as well, actually does prevail to this day in the French local courts, and the consequence is the judges of those courts are notoriously corrupt, and their decisions in favour of the best briber. Yet this is exactly the system in lunacy judicature. The alleged lunatic and his superintendent are essentially and necessarily antagonistic; their relative position is exactly that of plaintiff and defendant, and yet the superintendent has invariably preliminary secret access to the judges, and every opportunity of biasing their minds by maligning the plaintiff, as well as by "*golden arguments*." Mind, I say not these latter *are* used; I say they *may* be used; that there is nothing in the world to prevent it except an oath, which I will presently prove to you is flagrantly violated in other particulars, and that therefore no judge is warranted, when hearing a case, in prejudicing that case with the public, as Chief Justice Cockburn did mine on the 22nd of November last, by ignoring so very obvious an inducement to wrongful detention as bribery of Commissioners by superintendents.

I have said that the defendant, *alias* the superintendent, has right of previous secret access to the judges, or Lunacy Commissioners. The use made of such right is indicated in the following incidents:—On one occasion the Commissioners were leading a perfectly sane patient aside for examination; the owner rushed after them, and after a whispered communication to the Commissioners these last remanded the patient for half-an-hour. On her being recalled, the so-called examination consisted in a general ransacking of her life for twenty or thirty years, and giving false and distorted versions of incidents which were perfectly rational, and could have been shown to be so had liberty of reply been allowed. As this pa-

tient had never before been under alienist care this examination was grossly illegal, for in these cases the law strictly limits such excursive investigation to two years. In another instance one of these same Commissioners visited singly, and, in order to secure the usual odds of two to one against the patient, insisted on the owner's presence throughout the so-called private interview with the alleged lunatic. This I believe is also illegal. On this occasion the most atrocious falsehoods were told, and utmost unfairness shown; but what chance would the patient ever have of substantiating such a charge or obtaining redress? For one really appalling fact should be noticed here. Not only is the patient never allowed to have an impartial witness of the Commissioners' conduct or misconduct at these examining interviews, but there seems literally no tribunal to receive a charge against these gentlemen. On one occasion a very foul-mouthed and foul-minded Commissioner most grossly insulted a modest, well-behaved patient. On the following day she wrote a complaint of this treatment to the then Chancellor, Lord Hatherley, and was referred, by his lordship's command, to the Commissioners in Lunacy!

We see, therefore, that these Commissioners are absolute, that they present that extraordinary spectacle, an autocratic power in a free country, having no check whatever but an oath, enforced by no sanction but their own conscience. It is, therefore, important to see how far that sanction is effective. In general terms the Commissioners' oath binds them "diligently and discreetly" to administer the lunacy laws, and therefore, of course, to prevent incarceration of the sane, suppression of letters without due cause, and all other malpractices. They also swear to be free from all pecuniary interest in mad-houses. We will first consider their conduct in that most important particular, the correspondence of patients. For it is clear that liberty of correspondence would tend greatly to prevent both wrongful detention and ill-usage. The nation's will in this particular is expressed in 25 and 26 Vic., c. 100, and runs thus:—"Every letter written by a private patient shall be forwarded to the person to whom it is addressed, unless the superintendent prohibit the forwarding of such letter by endorsement thereon, and every letter so endorsed must be laid before the visitors or Commissioners at their next visit. Any superintendent failing to lay such letters before Commissioners or visitors, or being privy to the detention by any other person of any letter detained in contravention of this section, is to incur a penalty not exceeding £20." The intention of Parliament, then, evidently is that, as a rule, patients should not be *gagged*, but allowed to tell their own tale, and get help and comfort from without. It is deeply to be regretted that any discretionary power of suppression is vested in anyone, for no communication from a real lunatic could carry much weight or do much harm, whereas this license of suppression is fraught with danger to the whole community. And as I propose presently to analyse this great Whitehall potentate, it is well, as we go along, to notice every instance of unconstitutionally blind trust reposed in him. Observe, the superintendents are enjoined to lay all delayed letters before the Commissioners or visitors. What these are to do, if anything, besides look at them, the Act sayeth not. In my case, the Commissioners, for it was they who visited on this occasion, appear to have decided the problem by cleverly delivering up my letter *gratuitously or otherwise* into the hands of the parties they could most benefit, and from whom I should have been most anxious to keep them. This specially applied to one letter addressed to my London solicitor, containing lists of witnesses to sanity, and instructions how to proceed for my liberation. To investigate the motives that led to the suppression or mis-sending of *this* letter, would be childish indeed. There could be but one motive, and that so palpable a criminal one that, though the letter was written shortly before the Commissioners' visit, I doubted for a long time if these your servants could have been privy to its suppression. I doubt no longer, now. You shall know why presently. Imperfectly as the Act provides for the

ultimate disposal of condemned letters, on one point we have seen it is very explicit—*all* such letters are to be shown to the visitors. Now all this time that my letters were being tampered with, I had no suspicion thereof. The superintendents allowed me to write, they cited the Act as proof that my letters must go as directed, and artfully implied that the absence of answers was due to my position; in fact, that friends might hear from but not write to restrained persons without special permission. So in November, 1870, about midway between two inspections, I wrote a letter which it was of vital importance to me should reach its destination untampered with. I sealed it, and myself delivered it to the posting agent; yet within a week its contents were known to a person unacquainted with him to whom the letter was addressed, and who, I believe, never received it. Now here was a clear infraction even of the letter of the law, yet what say your Lunacy Commissioners to such? We shall see. In November last, after my cruel failure in Queen's Bench, I brought to the Commissioners' notice the suppression of all my letters, and specially of this solicitor's letter and also the insertion of falsehoods in the certificates and reports. Now, as Parliament constitutes every such falsehood a misdemeanour, I considered that there were ample grounds for a prosecution of the superintendents, and urged that course on the Commissioners. Mark their reply. They do not urge there are no falsehoods, or that this solicitor's letter is a chimera, the pet delusion of a mad brain, but simply state that in such misdemeanours, in such infractions of the national will, they "see no reason to prosecute." What is this but an avowal that this solicitor's letter, which, if rightly sent, *must* have led to my rescue, was mis-sent or suppressed with their sanction, the lies inserted to colour my detention concocted with their assistance and approval; or that they dare not prosecute guilty superintendents, and are pledged to wink at all malpractices that are not forced on the public eye by a coroner's inquest or other accident? And although such matters are apt to be overlooked till attention is strongly called to them, I think you will, on reflection, perceive that it *must* be so, or that the superintendents are so exempt from the frailties incidental to humanity, that the nation might save the money it spends in inspecting their houses. For, among all the prosecutions recorded in the newspapers, who ever saw one by the Commissioners in Lunacy for breach of the lunacy laws? Account for it as you will, ladies and gentlemen, that the lunacy laws are daily trampled on, the following facts will show. In one of my prisons the matron was a remarkably calm and eminently practical lady, and one of the most high-principled and amiable women I ever met. She became my friend then, and is my friend still. Her control in the house was supreme. There were suicidal and violent patients, and no resident medical supervisor or other person in authority. Yet, till within a short time of her installation in this responsible post, this lady had been incarcerated for three years as a lunatic in the sane establishment! Her story, as far as I know it, is this. Her husband disliked her, and shut her up as insane in some house beyond the pale of inspection. He died, and thereby, it seems, the widow fell under the exclusive control of Government. At the earnest solicitation of a relative, the Commissioners removed her to this mad-house, which was more accessible. According to her own story, which I fully believe, she was perfectly rational when she arrived, and continued so without interruption. While paying £200 a-year as patient, she was allowed to act as kind of amateur matron and entrusted with the charge of lunatics both in and out of doors; the Commissioners in Lunacy kept her incarcerated for three whole horrible years! They wantonly, as it seems, cut three years out of her life, and destroyed her social position for ever! And yet when circumstances induced this poor wronged lady to accept the superintendent's offer and return as a head matron, the Commissioners expressed their extreme satisfaction at finding the real maniacs in such good hands! Now there must have been **TERRIBLE CRIME** or gross impropriety here. Either this pure, clever amiable

woman had never been insane at all, or, at any rate, not for many years, and then a crime was committed before which murder pales and becomes mercy in proportion as the mind is nobler than the body, or there was the utmost impropriety in placing a lunatic of seven or eight years' standing in such a post as I have described after a brief probation. In another mad-house I learnt from sane inmates that the previous occupant of my room had been perfectly recovered some time before leaving. Did the Commissioners liberate her? Oh, no. These gentlemen rarely liberate. This poor lady was another victim of marital hate, and many months afterwards I learnt she was still in another mad-house, and wondrous to relate, *still sane*. Again, in my last mad-house—and I gladly seize this second opportunity of saying that, in comparison with the others, that was as Abdiel among the rebel hosts of heaven—there was a fair young girl pertaining to the highest social grade brought there from another mad-house, where, as I was most credibly informed, she had been kept half naked and continually chained to the floor. The Commissioners knew it. Was the keeper prosecuted? Oh, no! And now I will adduce two more instances, darker than any of the preceding, inasmuch as from first to last they were both in wilful, deliberate contravention of law on the part of your Commissioners; a contravention which, incredible as it may seem, your judges participate in by subsequent approval. The first outrage was wrought on a friend of my own; and I pledge my honour for the literal truth of the narration. This lady had never been insane, but the relation she lived with had a recurrent delusion that his companion was mad. This delusion was known to the family medical attendant, and treated by him as utterly groundless, but as also incurable. Under its influence the patient had once—twenty years before—got his companion certified a lunatic, and almost succeeded in shutting her up; but she got scent of the plot in time, and, with the aid of friends, frustrated its execution. At last he really succeeded, got certificates on false pretences from two practitioners ignorant of his monomania, and lodged this sane lady in a mad-house. Mark the sequel, only please remember the date I have mentioned as that of the previous attempt twenty years before. On the Commissioners' first visit my friend told them her story as she had before told it to the superintendent, and referred them in corroboration to the medical man aware of her relative's delusion, and to the friends who had aided her on the previous occasion. What said the Commissioners? Practically, their reply was, "We have you, and mean to keep you;" and keep her they did, in most terrible suffering and privation, but in uninterrupted sanity for a year or more. On seeing her papers, she found the following informality. To the printed and prescribed question, "When and where under previous treatment?" the answer was returned, "Has for twenty years been constantly under treatment;" no specification of time, place, or superintendent. Observe the coincidence of date here with the former strong outbreak of the same delusion as manifested in the futile attempt at incarceration; remember that the Commissioners *knew all* these data, and then say, what manner of men must these be to have so pandered to the poor monomaniac's fancies, and allowed this document to pass muster, even had there been in it no other invalidating circumstance? But it was further stated in this certificate that my friend's liberty was no source of danger either to herself or others. Now, I am advised that in 1859 a great case, "*Fletcher v. Fletcher*," was tried in Queen's Bench before Lord Campbell and Justices Wightman, Crompton, and Hill, who ruled that by the common law of England it is only a person of unsound mind *and* dangerous to others that can be restrained of his liberty, and that "it would be *most* dangerous to the liberty of the subject to suppose that every person of unsound mind is liable to be looked on as a lunatic." Yet, as I showed you, the Commissioners did not only so look on this their victim, but cruelly and protractedly severed her from home and children, and well nigh brought her with sorrow to the grave. Subse-

quently this whole case, together with this worthless informal certificate, was laid officially before your Lord Chief Justice Cockburn and his URBANE BROTHER BLACKBURN, who judicially exonerated the Commissioners from blame.

One more specimen of Whitehall administration you shall have, and that must be the last of this description. The case is my own, so you have it on the best authority. In September, 1870, I being *quite* sound in mind, and fairly so in body, was suddenly pounced on by an able-bodied female and invited to accompany her to Brislington Proprietary Mad-house, which I did. Of course then, and as long as I continued engaoled, I could only guess vaguely at the contents of my certificates, but I know them now. In common with many, I almost fancy *most* of such documents, they acknowledge me perfectly harmless; but one doctor certified somebody had told him I called myself a medium, and said I could "only write as God moved my fingers," which I never did say; and another doctor certified my landlady told him she had been frightened by my ringing my bell for a light after I was in bed, and asking her to see if some animal had not got into my room; and then both doctors certified (from their own observation this) that I talked rather fast, which, under the circumstances, is, after all, possibly true. Now, ludicrous as this may seem, remember it is no joking matter; that on these and such grounds as these your Commissioners in Lunacy sanctioned the infliction of eighteen months' horrible, heart-breaking, slavish misery. It is true some thought the grounds inadequate, and so one of the superintendents inserted in his report a foul, false, crushing calumny, which calumny it pleased the Commissioners afterwards to disseminate! On liberation I instructed solicitors to prosecute for defamation, but here the marriage ban stopped the way, and secured immunity to the cowardly slanderers. In January, 1871, about four months after capture, and nearly as long after my superintendent, Dr. Fox, had declared me on probation only, a very dear friend came to reside in London, and so strongly petitioned that I might be within reach of her, that my removal to Hanwell was agreed to. But here a new difficulty arose, which I cannot explain better than by an extract from my friend's letter. "My dearest Loui, I am most anxious you should go to Hanwell, and I told Dr. Fox how much I wished it; but he both told me and wrote he was in a difficult position, for he could not give you a certificate as a lunatic, though he thought it very desirable you should still be some weeks very quiet. He then rushed off to the Commissioners in a great hurry, and wrote me word they had decided you had better stay at Brislington till Lady Day;" which would have completed my six months' incarceration—the shortest period it seems to me for which alienists care to take a fare. Now, please mark this carefully. In January, 1871, the end of the following March was the latest period assigned for my liberation by the Commissioners, and that on the *ex-parte* statement of my then gaoler. Nobody pretends that from the first to last I ever uttered an irrational word, or for a single moment belied the character given me by my first attendant surgeon, that of being an amiable and inoffensive person. How is it, then, my captivity and restraint were prolonged till the end of March, 1872? How? Who can answer but the Commissioners, and I much fear these gentry will still deem discretion the better part of valour, and to shroud this dark transaction in impenetrable secrecy, best for the country and THEMSELVES. No particle of light can I throw on the matter. On receipt of my friend's letter, and Dr. Fox's own assurance that he would *not* sign the papers for my transfer, I immediately wrote to the Commissioners, strongly urging that Dr. Fox's avowal of my sanity entitled me to liberation, which I accordingly demanded. After a time came the answer that the Commissioners had now directed my transfer to another and (as it proved) far more rigorous mad-house, to which they had me removed in February, 1871, without any previous interview or inquiry. Now, I do say it behoves the country to learn *how* and *why* this transfer was

effected. Not for a moment do I believe that Dr. Fox voluntarily abetted it. He would gladly have kept me himself; but when it was settled I should leave him, I believe he honestly wished me to be free. On the eve of my departure he told me himself, "They have not a leg to stand on." How, then, was it done? Did the Commissioners waive the formalities required by law? or did they *compel* Dr. Fox to sign papers he had repeatedly declared he could not sign conscientiously? The moral courage of resisting any great pressure from the Commissioners cannot be expected of any superintendent, as these gentlemen are specially empowered to withdraw licenses without assigning any reason. And this was not the *only*, to me, unintelligible transfer. After a few months they moved me on again, and so kept me incarcerated till the eve of an impending inquisition, when they sent me out with concomitants far more galling and humiliating than those of a ticket-of-leave convict. No official examination or interview preceded this exit from incarceration, and as to the last moment I openly avowed, and without the smallest modification, the opinions for which alone the Commissioners had declared me insane, I think we are justified in saying that a fouler transaction than my incarceration never, even in the corrupt period of English history, disgraced any public servants.

So much for official prevention of criminal incarceration; now for official "discretion" in the supervision of proprietary mad-houses. A part of my incarceration was spent in a very large house, adapted for 200 patients of both sexes. New-comers suffered there intensely from want of sleep, through the quick succession of noises through the night. At nine o'clock the patients were taken to their cells and locked in with a harsh, grating jail-lock that irritated every nerve. Half an hour afterwards this musical operation was performed twice to see if the candle was out, and an hour after that twice more to admit the night-keeper, who might be, and in my case was, a good snorer. It is true, that in virtue of being warranted safe and free from vice, I had the option of dispensing with the night-keeper, and so I did, till accidentally discovering that under no possible emergency of danger or illness could assistance or egress be obtained before the morning rounds, I thought it unwise to sleep alone. Very early in the winter mornings, an atrociously loud call-bell was rung, whereupon the night-keepers arose, lighted their candles, and prepared for their housework. Of course this necessitated a few more performances of the great lock trick, which was repeated at intervals till breakfast time; however, its stridency was then partly drowned by the shrieks, songs, and cries of the neighbouring maniacs, startled into activity by the bell. Good walkers went out twice a-day in gangs under one or more keepers; but those too rabid or too weak for such expeditions exercised in a walled court. Several were turned out together and locked in without supervision or control of any kind. No accident happened in my time, but the language was horrible, and quarrels frequent. Another most reprehensible practice, in my opinion, was suffering the keepers to exhibit their patients in the strait waistcoat to newly-arrived servants as a raree show. I have good grounds for believing this was a common practice, and certainly a most injurious one; it conjured up in those poor diseased brains visions of encircling fiends rejoicing in their torments, and also a rooted sense of inhumanity in their guardians. Another needless cruelty I consider to be the coercion of ladies by men; in the asylum I am now speaking of it was the received practice. On a lady's becoming excited, if male keepers were accidentally present, they would rush up and lay hold of her. I know of one case, in which a young girl, whose only infirmity I believe was an inordinate *penchant* for male society, escaped to a mad-house in the vicinity. She was left there a few hours, and, in the evening, a young and very rakish-looking male keeper was sent alone, to fetch her back. I believe, though of this I cannot feel sure, that men were employed to put the strait-waistcoat on ladies, who were thus exposed to them naked or nearly so. My informant was not quite sound-

minded; she suffered from erroneous anatomical views, but, as on all other points she was perfectly rational, I am inclined to believe her story had at any rate good foundation. It was this. One day a very coarse and violent attendant (whom I myself once saw strike this patient) tore off the lady's linen in a fit of passion, then went and reported her violent and ungovernable, whereupon a doctor, porter, and another man came in, forced her into a strait-waistcoat, and, by some means she could not quite describe, hoisted her off the floor. They afterwards threw her, partially clothed, into a cold cell, and left her there till she was half dead with cold and privation. Now treatment more iniquitously unsuited to this patient than any approach to the above, could not be. She was one of the most delicate and refined women that I ever met, not only delicate in mind, but frail in bodily organisation. Her agonies of outraged modesty at the remembrance of the above incident were sad indeed to witness.

Reprehensible as are the abuses I have mentioned, there are others yet worse, because sometimes life-long in their ill effects, and which prevailed more or less in every house I was in, with the single exception already made. I allude to foul habits, bad drainage, and insufficient ventilation. I once wrote to the Commissioners in Lunacy as follows,—necessarily I withhold the date: "Gentlemen,—My health is and has long been suffering so severely from the bad drainage here, that if you do not contemplate my speedy enlargement, I must beg your kind interference to procure sanitary improvements here or my removal to a healthier spot. A garden-pond near the house receives a large amount of house sewage and the effluvium therefrom is, in certain atmospheric conditions, pestilential. Our indoor arrangements are also so bad that I should long ago have laid them before the district officer had it been possible to communicate with him." Of this letter no notice was taken, and the low feverishness I then contracted hung about me till I left. The smell alluded to was so bad as often to drive us from that portion of the grounds, and though I slept on the side of the house farthest from the pond, I have had to rise in the night and shut my window to keep out a portion of the intolerable odour. The indoor arrangements alluded to were too foul and filthy for description; but of the Whitehall sanitary standard you may judge by this; to my personal knowledge the Commissioners licensed a new out-building as the residence of five or six patients without other closet accommodation for them all than a dark cupboard in the bath-room. In no other mad-house did I ever see such disregard of cleanliness and purity as in this, which we may now designate Pond Hall; but everywhere there is far too much contempt of sanitary laws. In one very large house the closets, without ventilation, were interspersed with the bedrooms, and I have seen a wealthy idiot inhabiting a room made, by an adjoining closet, unendurably offensive. Ventilation, as a rule, is utterly neglected. In the last described house, with its numerous closets and numberless patients, many of them personally offensive, no breath of fresh air ever entered the passages except through the momentary opening of an outer door. All light came from skylights. I do not think they were made to open, at any rate they never were opened during the nine or ten weeks I was in the house. At Pond Hall the bedroom windows only opened a very few inches at bottom, consequently the rooms never felt fresh and healthy. Another practice there that I think inexcusable considering the sums paid, from £400 per annum upwards for each patient, was that of never varying our hours of exercise, summer or winter. If it rained at the appointed hour we were deprived of our walk, nor did we ever taste the sweet morning air of the dog-days, except through the narrow window slits. Let the sun blaze as he might, his fierce noontide rays must be encountered; and why? Because no single exclusively alienist attendant was kept for the patients; only three ordinary servants, who attended on them in the intervals of their other work, and who could not possibly have got through their multifarious duties by any other contrivance than perfect regularity.

In this same house cold was also a source of suffering. A thermometer, hanging over the dining-room fireplace, not unfrequently registered 42 degs. as we sat at breakfast, and at such times not even the chilliest and weakest patients were allowed fire in their bedrooms. Stringent regulations existed also against large fires in the day wards, and as one of these, that which I inhabited, faced to the north, we were often very miserable. The standing orders for the refectory were that the fire, always very small, should die a natural death directly after supper. As I never supped, this rule did not affect me, but I have seen others suffer cruelly from it. Now what I ask you to remember in connection with all this is, that the Commissioners are *bound* to investigate all such matters, to *find out* how a house is governed; therefore they *here* either neglected this duty of investigation, or that of interference in the patients' behalf. No difficulty whatever existed in the way of finding out the truth, to say nothing of my notes, which were heartily at their service; there were plenty in that house who would, I believe, have given an honest representation of the treatment we experienced. In general I found madhouse diet fairly good and sufficient, but a dietary I kept for three weeks at Pond Hall shows that in the lunacy trade, as in others, exorbitant profits sometimes increase the greed of gold unduly. The facts that joints of meat, accidentally tainted by the intense heat, were served up again and again till consumed, even when the more rational could not touch them, and that pic-nic biscuits, bits of toast, and such luxuries, were counted out one per head, will give you a fair general idea of the style of housekeeping.

Again, ladies and gentlemen, I say, ponder these things; ponder them long and earnestly in connection with the fact that not only was each of my prisons reputed "first-class," but each of my superintendents had a high personal and professional reputation; then ask yourselves, "If these things are done in the green tree, what must be done in the dry?" For if those paying so largely, and with comparatively influential connections, are so utterly neglected by your inspecting servants, what must be the fate of those in a lower social grade? The heart recoils from contemplating it; and did time allow, it were easy to harrow up your feelings with true tales of their cruel sufferings.

And this brings me to another very peculiar feature of our lunacy system. Why can none of those so deeply wronged, even where no marriage disabilities exist, avenge themselves after liberation on the guilty superintendents at least? *Because the power of prosecuting for breaches of the Lunacy Laws is vested exclusively in the Commissioners*, without whose guilty carelessness or guiltier complicity serious infraction of them can scarcely take place. Oh, what an envious sigh must this provision raise in Portland and in Millbank! and oh, gentlemen electors, what a jealous care, yea rather what a firm resolve of Lunacy Law Reform, should it beget in you! Oh, when you go to the hustings, forget not the falsely-alleged lunatic! Forget not the maltreated madman! *condemn all secret tribunals! condemn all proprietary mad-houses!* The facts we have heretofore considered will probably be deemed sufficient to establish the proposition that our Lunacy Laws are fraught with danger both to society and personal liberty, inasmuch as though *some* laws do exist for the protection of alleged lunatics, they can only be enforced by officials having a direct interest in concealing infractions of them, and, too probably, sometimes, if not always, corrupt. For, still further to corroborate the presumption of malpractices arising out of what has been said, I will now call your attention to the fact that in January last, after a long and fruitless correspondence with your Commissioners in Lunacy, having for its object the inducing them to prosecute the guilty superintendents, I published my letters and their replies in my little tract entitled "Gagging in Mad-houses," and after calling public attention to some of the wrongs brought before you now, and to the very strong appearances of my having

been made simply an object of barter, I uttered these words—"If it be not so, if the Commissioners be true and loyal men, why come they not to the light, that their truth and honour may appear? How is it that they feel not the stabs this chivalrous defence of guilty mad-house owners inflicts on their own honour?" And then I suggested the only obvious answer, "Gold, much gold, is said to salve many wounds;" and having thus uttered my challenge I took care it should be forwarded to the parties implicated. Now, I assert that had not this challenge been justified by facts and a guilty conscience, it should have anew raised the question whether the writer's audacity was not insane; but mark the effect—silence. Yes, these gentlemen, pelted with a charge which should have made their blood boil and hearts leap with repellent indignation—a charge which would so arouse the poorest labourer's anger, were he at heart a gentleman*—these Commissioners, who, on occasion, could scorn the Bible and flout at religion, being cruelly "smitten on one cheek meekly turn the other also," and if we smite not that too the fault shall not be mine; for who or what are these men with this gigantic prerogative far o'ertopping the Sovereign's? Our Queen, gracious and beloved, can incur no blame, for she can do no harm save through ministers responsible to the nation; but these Commissioners *can* do harm, in their own sphere of action, boundless harm: and not only can they, but many of them at least use their power to injure those you pay them to protect, yet they are themselves irresponsible, and have subordinates responsible *only* to themselves. Who or what, then, are they? a triplet of briefless barristers, and another of patientless doctors, put round a big table, and so made an impeccable board—men who, hopeless of winning the great prizes of their respective professions, have renounced all chance of them, and accepted itinerating obscurity. Take away the board, ladies and gentlemen, and we shall see the frightful reality—your liberty, my liberty, every man's liberty at the mercy of any one of six rather needy and quite commonplace men, incapable of doing justice in any difficult case, even if they desired it, which, far be it from me to deny, may *sometimes* occur. Having thus laid bare the inefficiency of our great Whitehall autocrat for the protection of alleged lunatics, let us go a step higher, even to the footstool of justice, and once more see what measure is there meted out to the wrongfully incarcerated. I will briefly summarise my too lengthy affidavit read in Queen's Bench in November last. Three judges were present, and before each lay a copy of the document in all the clear costly caligraphic beauty so dear to the legal mind. It incontestably established, (1) That the Commissioners refused to consider evidence; (2) That when one superintendent reported me sane, instead of liberating me, they transferred and reincarcerated me for another twelvemonth; (3) That they long refused me a jury; (4) That they connived at foul drainage and other abuses in the asylums; (5) That they improperly suppressed my correspondence; whereupon Mr. Justice Blackburn found his mind unequal to detecting any flaw in the Commissioners' conduct, and Lord Chief-Justice Cockburn ruled "There is no pretence for this criminal information; there must be no rule." Ladies and gentlemen, such words *need* no comment. They are my warrant for saying the Commissioners are irresponsible despots! They are my warrant for *thinking*, as well might a way-worn traveller, attacked by an infuriated gander, turn to the attendant geese for protection, as a feeble and defenceless suitor ask one official to redress the wrong another has wrought. Oh, surely—and here I quote the words of one of my gaolers, a man so grandly gifted he would ere this have been a shining light, had he not while yet young tumbled into the foul pit of madness—

* I told them they must bear in mind that I had all my life been called a religious person. Mr. Lutwidge said, "Yes, believed the Bible and all that sort of thing."—See *Quis Custodiet*, No. 1, p. 13.

mongering—I quote his words and say, “The lunacy system is rotten to the very core.”

To the remedy. And here I speak with redoubled diffidence, for to an old woman’s recipes small credit is mostly given, and yet methinks a few good safeguards of personal liberty *did* occur to me during my dreadful deprivation thereof. The first step in Lunacy Reform must manifestly be the substitution of State asylums for proprietary mad-houses. As long as these last subsist, you can no more prevent abuses and wrongful detention, than you can stop smuggling in the face of prohibitory duties, and for the same reason: the profits cover all risks. We must therefore assume that the care of all alleged lunatics shall be vested in the State, for otherwise no material amelioration of their condition is possible. And I use the word State advisedly, for I think in organising a new lunacy system it should be consolidated and so unified for the entire kingdom that to each patient might be assigned the locality best suited to his condition. It is, I think, further probable that a few lunatic settlements, a little after the manner of the Belgian Gheel, but some for men, some for women, and others for both sexes, would be found advantageously to supersede all isolated asylums. These should be large airy villages, surrounded with high iron railings, well provided with shops, workshops, studios, theatre—in short, all requisites for substantial work and recreation—and should, among them, offer as great varieties of climate and scenery as Britain affords. It is surely a most needless cruelty to lock up *all* the insane; to reduce a man or woman to the most galling servitude, the most vexatious, thwarting, and tyrannical interference in his daily pursuits, because the mind is incapable of safely guiding its possessor amongst all the shoals and dangers of freedom in the outer world. I quite recognise the necessity of regular incarcerating asylums for some forms of mental disease, but am certain that great numbers of the insane would not only be made happier, but substantially benefited by a life of far greater variety and liberty than is ever accorded to them now. Their sufferings, not only from monotony, but from idleness, are very great. In one of my mad-houses it was piteous to hear the yearnings of an aged gentleman after “real work” as he called it, such as a turning lathe or carpenter’s shop might afford. He had, I believe, spent the greater part of his long life in that sad prison; whether justly or not it is not for me to judge; his conversation was always rational and behaviour gentlemanly, but his life, like that of all proprietary mad-house patients, was a living death, and he seemed to feel it. Collecting the insane in villages planned and supplied with a special view to their requirements and exigencies of supervision, would manifestly facilitate both the granting them much liberty of locomotion, and employing them gregariously in such work and amusements as might prove beneficial. It is clear also that in such villages there would be no difficulty whatever in adapting the entertainment to the social position or fortune of the individual. The State should provide for *ALL* the absolute necessities for healthy life and treatment, and each patient’s kindred could do the rest.

As regards officials, it is undoubtedly true that serious disadvantages attach to committing the insane to the care of men *exclusively* alienists. One of themselves observed to me in my first mad-house, “We soon learn to see insanity everywhere;” and it is certain their tendency—a tendency still further increased by their despotic power—is to draw a hard and fast line of sanity, and to view all unconventionality, all originality of thought or action, as decidedly insane. Therefore it would, I think, be good so far to amalgamate the public alienist service with other medical services as to allow of occasional interchanges of appointments. But whether this is found feasible or not, exceptional rewards in pay and promotion should be invariably attached to exceptional success in curing, and moreover it should be distinctly understood—by all capable of understanding at all—that such is the case. *As a rule* it is now so unquestionably the superintendent’s

interest to *keep* the patients and not to cure them, that a feeling of antagonism and distrust is begotten in their minds, most prejudicial to their recovery. Therefore it is clear that the mere fact of the superintendent being a Government servant, having no interest in the patient's detention, but, on the contrary, a strong pecuniary and professional interest in curing and dismissing as many as possible, would at once establish very generally that confidence and friendliness between himself and his patient so essential to successful treatment.

A very fruitful source of really honest misconception on the part of relatives as to the occasions which call for interference with a person's liberty lies, I think, in the phrase, "unsoundness of mind." Its legal definition is incapacity to manage affairs akin to that of the idiot or lunatic; but in common life, where the term "unsound" is so liberally bandied about from Tory to Radical, and from Churchman to Dissenter, its use as ground of restraint is *decidedly dangerous*. I would therefore suggest that the phrase "incapacity for self-government" might advantageously replace that of "unsoundness of mind," and others that cumber the law books; for so long as a man is incapable of self-government without injuring others or irrationally damaging himself, it can matter very little to any one but himself and his doctor whence that incapacity arises. Incapacity for self-government, as evidenced by actions, should, therefore, I think, be the *only* ground of a lunacy certificate. That certificate, as we have seen, should be far more cheaply and conveniently obtainable than now; and yet by the simple expedient of requiring all applications for certificates, and all communications concerning the alleged lunatic's conduct to be made *exclusively* in writing, and attaching the guilt of felony to every falsehood in such documents, a considerable amount of protection would be accorded the alleged lunatic. If to this you add State asylums instead of proprietary mad-houses, and a trial by jury at the earliest opportunity, I think we should find the practice of incarcerating the sane diminish very rapidly indeed, and I hope also, that of letting the mad go loose.

It is impossible in the limits of such a lecture as my strength could deliver, or your patience endure, to enter fully into every particular—to lead the patient step by step as it were, from his own home to the asylum. But this matter of a jury is of such tremendous importance, it is so horrible and monstrous a thing that, in this nineteenth century, any British subject, be he high or low, rich or poor, should be reduced to servitude except by the judgment of his peers in open court, that I crave your indulgence while I put my thoughts into a practical form. It seems to me, then, that a small well-appointed asylum, close to the county town, and with court-house attached, would greatly facilitate a jury trial for *all* alleged lunatics. Each should be committed thereunto in the first instance, and Lunacy Assizes should be held there at short stated intervals for the trial of new cases and the revision of others. After condemnation as insane, the patient should be removed to the place selected for his permanent detention, but only for a definite time named by his judges, at the expiration of which he should be entitled to reappear before the nearest Lunacy Court. He would thus go into captivity with hope in his heart, and the strongest incentive to exert whatever will-power remained in co-operating with his guardians for his own recovery. The time for such reappearance would of course be fixed in accordance with medical estimates of the probable course of the disease; but, as such estimate can never be certain, the superintendents should be strictly enjoined to produce a patient at the Lunacy Assizes next after his recovery, whenever that might occur. On such occasions reasonable facilities of defence should be allowed the patient, and all evidence given in his hearing.

When once it is conceded that *allegations of lunacy shall be based on actions alone*, and that men shall no longer be incarcerated on account of their opinions, or because their eyes do not move according to scientific

rules, it will probably also be thought that the fittest person to grant lunacy commitments, and direct the preliminary coercive measures, is the nearest stipendiary magistrate, or other law officer. Such matters, however, would become of very secondary importance. So long as you secure (1) presumption or proof of lunacy to lie *solely* in actions; (2) those actions to be stated in writing, and falsehood to be felony; (3) care of lunatics to be vested exclusively in the State; (4) trial by jury soon after incarceration, and again before enlargement, with improved and public supervision; so long as these points are secured, much will have been done—more, I think, than has ever yet been achieved—to secure society from the curse and the crime of false lunacy warrants on the one hand, and the danger of unrestrained lunatics on the other.

In advocating any reform, the first step must ever be exposure of existing evils. In laying bare the abominations of our lunacy system, or rather a small portion of the evils I have myself observed and experienced, some may accuse me of having failed in due reverence for constituted authority. To such I can only say, it is not for man to judge the heart; his estimate of motives *must* be deduced from actions. I may have wrongly interpreted those of the judges. If so there is consolation in knowing it rests with those gentlemen in a moment to remove misapprehension by admitting the blessed sunlight of public inquiry on the dark mystery of my incarceration. If they do it not, and that right soon, I greatly fear many will feel justified in thinking, and some may proclaim through the length and breadth of the land, that, while crushing the slave trade in Africa, the Government winks at a far viler traffic in falsely alleged lunatics at home; and that on November 22nd, 1872, the Right Hon. Sir Alexander Cockburn, Lord Chief Justice of England, refused me a rule *nisi* for a criminal information against the Commissioners in Lunacy, not because his attention was inadequately called to Exhibit A, containing my certificate, and Exhibit C, containing Dr. Rhys Williams's emphatic attestation of my perfect sanity,—not because the damning facts against the Commissioners established by my own affidavit were not sifted from much irrelevant matter and laid before him, as I have tried to lay some of them before you to-night,—but for the same reason that one pickpocket hustles off his pal-solidarity in crime. If the Commissioners escape a public and searching investigation into their conduct, I *much* fear some will say, and *all* will think, that when, in answer to the statement of my great difficulties as a married woman in obtaining redress, the Lord Chief Justice said, "We have nothing to do with your difficulties," it meant not that, judging by externals, he thought the case a trumped-up and frivolous one, and so wanted to have done with it and get to serious work; but that it signified a judicial declaration that the Court of Queen's Bench cares not one straw for abstract right or wrong, nor reckes what foul cruelty and oppression are wrought in the land so long as the victims are defenceless women.

Ladies and Gentlemen,—I have well-nigh done. Some may yet call me over bold; many will remember how meeker words than mine have sent good men to gaol; but wifehood has its rights as well as its penalties, and since my country's servants have cruelly and lawlessly trampled on me because I could not sue, in telling the tale I use plain words because I *can't* be sued; and if the powers that be like it not they may dissever outlawry from marriage and restore to us the rights and responsibilities of humanity.

In conclusion, I would say a very few words to those who hold with me that, whoever or whatever originated the stupendous universe, there yet does exist for the human race a personal God and Father, who, with Jesus of Nazareth and legions of angels, is ever, by means visible and invisible, helping man onwards in eternal progression. To these, my fellow-Spiritualists, I say, Remember it was for this our glorious creed of Spiritualism, explained to the authorities as I have explained it now, that I ostensibly suffered; remember, it was the mere belief in "the action of mind apart from humanly material brain," that the Commissioners did, in

1871, adjudicate to be insanity. They have thus debarred themselves from ever *commanding* the liberation of any one holding this belief. I say not they will be *active persecutors*, but I *do* say that the Commissioners in Lunacy cannot, without stultifying themselves, henceforth forbid the incarceration of any believer in revelation. You will think, ladies and gentlemen, I am forgetting my pledge to observe truth and moderation. I AM NOT. In proof of my assertion, I appeal to my letters to Lord Hatherley, to the Chancellor's visitor, Dr. Lochhart Robertson, and to the Commissioners in Lunacy. To each did I, and that at an early period of incarceration, expound my religious opinions, which I asserted then, and assert now, to be in strict harmony with the articles of the National Church. And yet it would seem, from neglect of a certain document forwarded to the Lord Chancellor as my chief guardian, that even he deemed belief in spirit-power inconsistent with rational self-government. I therein recorded my way of life for six months previous to incarceration, with references to banker, doctor, landlord, friends, and offered to refund, after liberation, the expenses of verifying these details. Now the utter neglect of this document *must* prove that the chief guardian of all alleged lunatics *deems all religion insanity*; unless it shows that the Lord Chancellor of England has neither time nor thought to bestow on his incarcerated wards, and that so to have constituted him their guardian is a delusion and a snare.

To the practical inference. We may certainly safely assume that many of our dear brothers and sisters in Spiritualism are, as such, at this moment suffering fearful misery, both in proprietary mad-houses and public asylums. All may not, with some of us, have reached the inner temple; many may yet be unduly loitering in the turbulent and secular precincts where alone the materialist first learns to believe in incorporeal intelligence; some may not have attained the stage of human growth essential to blending with the higher and gentler spirits: but to each and all let our hearts this night go forth in fervent love and sympathy, and let us inwardly vow that not only will we strive to prevent such crime in future, but that for these and all the unjustly detained we will fight even till we have delivered them. Fellow-Spiritualists, be it ever truly said of us as it once was of our younger brethren, whose glorious constancy illumined the dawn of this fast-receding era—"See how these Spiritualists love one another!"

EXHIBIT C. REFERRED TO IN LECTURE.

"I, William Rhys Williams, of Bethlehem Royal Hospital, in the County of Surrey, Doctor of Medicine, make oath and say as follows:—

"1. I am the Resident Physician at the said Hospital, and the Lecturer on Mental Diseases at St. Thomas's Hospital.

"2. On the twenty-second day of February last, and the first and ninth of March instant, I had long interviews with the above-named Louisa Lowe, at No. 9 Bedford Place, Russell Square. I attended her for the purpose of ascertaining whether or not she is of unsound mind. I had previously seen and read copies of the certificates of Dr. Shapter and Mr. Kempe, upon which the said Louisa Lowe was admitted into an asylum; and also of the certificates of Dr. Fox and Dr. Maudsley, under whose care she has since been. I have also received three letters from her. These certificates do not describe her present condition.

"3. The said Louisa Lowe is evidently highly intellectual, and some of her views with regard to Spiritualism are not in accordance with the opinions of many at the present day; but similar and much more advanced opinions are held by many whose sanity has never been called in question, and I do not consider them to be of the nature of insane delusions.

"4. On each of my three visits her conversation was at all times coherent, her behaviour and manners most ladylike; and even when pressed on some points with regard to Spiritualism she betrayed no excitement, but defended her views of the question in a calm and rational manner.

"5. I discovered no indication of insanity in the said Louisa Lowe. I consider her to be able and competent to manage her affairs; and in my opinion she is not of unsound mind, nor a fit and proper person to be detained in a lunatic asylum, or otherwise restrained in her liberty.

"W. RHYNS WILLIAMS.

"Sworn at No. 11 Bedford Row, in the County of Middlesex, this 13th day of March, 1872, before me, EDWARD MOLE, a London Commissioner to administer Oaths in Chancery."